

F.#2013R01617

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

13 MISC 828

IN RE: GRAND JURY SUBPOENA TO
FACEBOOK, INC.

Filed Under Seal

APPLICATION FOR ORDER
COMMANDING FACEBOOK, INC. NOT
TO NOTIFY ANY PERSON OF THE
EXISTENCE OF GRAND JURY SUBPOENA

The United States requests that the Court order Facebook, Inc. not to notify any person, including the subscribers or customers of the account(s) listed in the attached grand jury subpoena (the "Subpoena") of the existence of the Subpoena until further order of the Court.

Facebook, Inc. is a provider of an electronic communication service, as defined in 18 U.S.C. § 2510(15), and/or a remote computer service, as defined in 18 U.S.C. § 2711(2). Pursuant to 18 U.S.C. § 2703, the United States obtained the Subpoena, which requires Facebook, Inc. to disclose certain records and information to the United States. This Court has authority under 18 U.S.C. § 2705(b) to issue "an order commanding a provider of electronic communications service or remote computing service to whom a warrant, subpoena, or court order is directed, for such period as the court deems appropriate, not to notify any other person of the existence of the warrant, subpoena, or court order." Id.

In this case, such an order would be appropriate because the Subpoena relates to an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation, and its disclosure may alert the targets to the ongoing investigation. Accordingly, there is reason to believe that notification of the existence of the Subpoena will seriously jeopardize the investigation, including by giving targets an opportunity to flee or continue flight

from prosecution, destroy or tamper with evidence, change patterns of behavior, or notify confederates. See 18 U.S.C. § 2705(b)(2), (3), (5). Some of the evidence in this investigation is stored electronically. If alerted to the investigation, the subjects under investigation could destroy that evidence, including information saved to their personal computers.

WHEREFORE, the United States respectfully requests that the Court grant the attached Order directing Facebook, Inc. not to disclose the existence or content of the Subpoena, except that Facebook, Inc. may disclose the Subpoena to an attorney for Facebook, Inc. for the purpose of receiving legal advice.

The United States further requests that the Court order that this application and any resulting order be sealed until further order of the Court. As explained above, these documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

Dated: Brooklyn, New York
October 7, 2013



Shreve Ariail
Assistant U.S. Attorney
(718) 254-6616

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

13 MISC 828

Under Seal

IN RE: GRAND JURY SUBPOENA TO
FACEBOOK, INC.

ORDER COMMANDING FACEBOOK, INC.
NOT TO NOTIFY ANY PERSON OF THE
EXISTENCE OF GRAND JURY SUBPOENA

The United States has submitted an application pursuant to 18 U.S.C. § 2705(b), requesting that the Court issue an Order commanding Facebook, Inc., an electronic communications service provider and/or a remote computing service, not to notify any person, including the subscribers or customers of the account(s) listed in the attached grand jury subpoena (the "Subpoena"), of the existence of the Subpoena until further order of the Court. The Court determines that there is reason to believe that notification of the existence of the Subpoena will seriously jeopardize the investigation, including by giving targets an opportunity to flee or continue flight from prosecution, destroy or tamper with evidence, change patterns of behavior, or notify confederates. See 18 U.S.C. § 2705(b)(2), (3), (5).

IT IS THEREFORE ORDERED under 18 U.S.C. § 2705(b) that Facebook, Inc. shall not disclose the existence of the Subpoena, or this Order of the Court, to the listed subscriber or to any other person, unless and until otherwise authorized to do so by the Court, except that Facebook, Inc. may disclose the Subpoena to an attorney for Facebook, Inc. for the purpose of receiving legal advice.

IT IS FURTHER ORDERED that the application and this Order are sealed until
otherwise ordered by the Court.

Dated: Brooklyn, New York
October 7, 2013

A handwritten signature in black ink, appearing to be "J. J. K.", is written above a horizontal line.

United States Magistrate Judge
Eastern District of New York

AO 110 (Rev. 06/09) Subpoena to Testify Before a Grand Jury

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

13 MISC 828

To: Facebook
156 University Ave.
Palo Alto, CA 94301
Attn.: Custodian of Records

YOU ARE COMMANDED to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: U.S. District Court, Eastern District of New York
225 Cadman Plaza East, 5th Floor, Room N547
Brooklyn, New York 11201

Date and Time:
October 25, 2013 9:30AM

You must also bring with you the following documents, electronically stored information, or objects (*blank if not applicable*):

Please see attached RIDER

See attached non-disclosure order pursuant to 18 U.S.C. § 2705(b)

Personal appearance not required.

F#2013R01617

Date: 10/7/2013

DOUGLAS C. PALMER

CLERK OF COURT

Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the United States attorney, or assistant United States attorney, who requests this subpoena, are:

Assistant U.S. Attorney Shreve Ariail, U.S. Attorney's Office, Eastern District of New York
271 Cadman Plaza East, Brooklyn, New York 11201
shreve.ariail@usdoj.gov
(718) 254-6616

AO 110 (Rev. 06/09) Subpoena to Testify Before Grand Jury (Page 2)

PROOF OF SERVICE

This subpoena for *(name of individual or organization)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Facebook
156 University Ave.
Palo Alto, CA 94301-1605
Tel: 650-543-4800
records@facebook.com

RIDER:

Please provide all user information and any related account(s) for the following user ID(s), vanity usernames(s) and/or email address(es):

Email: xiinfaniin1@gmail.com

Such information shall include:

- 1) subscriber's name and screen names;
- 2) subscriber's address;
- 3) subscriber's telephone number or instrument number;
- 4) local and long distance connection records;
- 5) billing information (including means and source of payment, including any credit card or bank account number), including account status, length of account activation (date account opened and closed);
- 6) Internet Protocol (IP) address from which the account was opened, type of service, forwarding email addresses, and special requested services; and
- 7) all records of session times and duration, including any temporarily assigned network address.

The point of contact is SA Jessica Krueger at 646-696-2592. Results can be emailed to SA Krueger at Jessica.Krueger@ic.fbi.gov or disks can be sent through Federal Express (overnight) to 26 Federal Plaza, New York, NY 10278, Squad CT-3, c/o FBI.

Because this request is being made pursuant to an official criminal investigation, and its disclosure would jeopardize that investigation, you are requested not to disclose this request, or contents of it to anyone.

Please provide results electronically.